

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:06CR3092 |
| |) | |
| V. |) | |
| |) | |
| BETUEL CHICOL-XOVIN, |) | ORDER |
| |) | |
| Defendant. |) | |

The defendant has moved to continue the pretrial motion deadline and the trial currently set for September 21, 2009. (Filing No. [16](#)). Defense counsel explains he needs additional time to review the discovery received on August 10, 2009, speak with his client concerning this discovery, and determine if pretrial motions should be filed. Counsel for the government does not oppose the defendant's motion. The court finds the defendant's motion should be granted.

IT IS ORDERED:

- 1) Defendant's unopposed motion to continue, (filing no. [16](#)), is granted and defendant's pretrial motions and briefs shall be filed on or before September 21, 2009.
- 2) The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and September 21, 2009, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional

time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

- 3) The trial of this case, currently scheduled for September 21, 2009, is continued and will be re-scheduled upon the resolution of any pretrial motions.

DATED this 19th day of August, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge